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Utah Court of Appeals

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Sidney F. Hansen; Petitioner Pro Se.

Utah Attorney General; Attorney for Respondents.

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FILED

1993

APPEALS

SIDNEY F. HANSEN
APPELLANT/PETITIONER,

Vs.

UTAH ADULT PROBATION & PAROLE
REGION III SUPERVISOR, et al.,

APPELLEE/RESPONDENT,

APPELLANT No. 930454-CA

DISTRICT COURT NO. 930903452

APPELLANT BRIEF

THIS IS AN APPEAL FROM THE THIRD JUDICIAL DISTRICT
COURT FINAL ORDER OF DISMISSAL OF PETITION OF HABEAS CORPUS.

UTAH ATTORNEY GENERAL

6100 SOUTH 300 EAST, SUITE 204
SALT LAKE CITY, UTAH 84107

SIDNEY F. HANSEN

P.O. BOX 250 DRAPER,
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PETITIONER PRO SE

ATTORNEY(S) FOR THE RESPONDENTS

PARTIES LISTED

- 1.) APPELLANT/PETITIONER: SIDNEY F. HANSEN, WHO PRESENTLY RESIDES AT P.O. BOX 250 DRAPER, UTAH 84020.
- 2.) APPELLEE/RESPONDENTS: UTAH STATE BOARD OF PAROLES AND PAROLE WHO PRESENTLY DOING BUSINESS 6100 SOUTH 300 EAST, SUITE 204 SALT LAKE CITY, UTAH 84107.

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JURISDICTION

UTAH CODE ANNOTATED § 78-2a-3 (2)(g) (Supp. 1992), GRANTS THE COURT OF APPEALS JURISDICTION OVER APPEALS FROM ORDERS RESULTING FROM PETITIONERS FOR EXTRAORDINARY WRITS THAT ARE OBTAINED BY PERSONS WHO ARE INCARCERATED.

STANDARD OF REVIEW

THE APPLICABLE STANDARD FOR REVIEWING THE DISTRICT COURTS CONCLUSION OF LAW IN HABEAS CORPUS PETITIONS IS THAT OF NO DIFFERENCE ON APPEAL. THE LOWER COURTS CONCLUSION OF LAW ARE REVIEWED FOR CORRECTNESS. TERMONDE V. COOKE, 786 P.2d 1341 (UTAH 1990). QUESTIONS OF FACT ARE REVIEWED ON A "CLEARLY ERRONEOUS" STANDARD. STATE V. GOODMAN, 736 P.2d 786 (UTAH 1988). SEE ALSO STEWART V. STATE, 184 ADV. REP. 77 (UTAH APP. 1992). TOWSENDE V. SAIN, 372 U.S. 293 (1963).

STATEMENT OF CASE

PETITIONER WAS ARRESTED ON FEB. 14, 1992 FOR A PAROLE VIOLATION WARRANT. ON FEB. 21, 1992 PETITIONER RECEIVED PRE-REVOCATION DOCUMENTS AND SIGNED A WAIVER OF A PRE-REVOCATION HEARING. ON FEB. 21, 1992 PETITIONER WAS BROUGHT BACK TO THE UTAH STATE PRISON FOR VIOLATING PAROLE. ON THE WAY BACK TO THE PRISON PETITIONER EXPLAINED TO PAROLE AGENT GERALD WHITE THAT CHARGES WOULD NOT BE FILED AGAINST HIM FOR NUMBER FOUR OF THE PRE-REVOCATION DOCUMENTS. AGENT GERALD WHITE EXPLAINED TO THE PETITIONER THAT THE INFORMATION NUMBER FOUR WOULD NOT BE LISTED IN PETITIONER'S AMENDED PAROLE VIOLATION DOCUMENTS TO THE UTAH STATE BOARD OF PARDONS IF IN FACT CHARGES WERE NOT FILED AGAINST PETITIONER. CHARGES WERE NEVER FILED AGAINST PETITIONER FOR NUMBER FOUR OF THE PRE-REVOCATION DOCUMENTS. ON OR ABOUT APRIL 17, 1992 PETITIONER RECEIVED NOTICE OF PAROLE REVOCATION HEARING TO BE HELD ON MAY 13, 1992.

STATEMENT OF CASE CONTINUED

ON OR ABOUT APRIL 28, 1992 PETITIONER RECEIVED THE AMENDED INFORMATION DOCUMENTS FROM AN UNKNOWN PAROLE AGENT, ALLEGATION NUMBER FOUR IS IN FACT ON THE AMENDED INFORMATION TO THE UTAH STATE BOARD OF PARDONS. INFORMATION NUMBER FOUR SHOULD NOT HAVE BEEN UTILIZED BY THE BOARD OF PARDONS.

ON OR ABOUT MAY 13, 1992 PETITIONER BEFORE BOARD MEMBER WILLIAM PETERS, PLED GUILTY TO FOUR SEPERATE PAROLE VIOLATIONS #1 (POSITIVE URINALYSIS), #2 (CERFEW), #3 (BI-WEEKLY REPORTING) #4 (PLACE OF RESIDENCE). PETITIONER WAS ASKED ABOUT ALLEGATION NUMBER FOUR IN THE AMENDED PAROLE VIOLATION DOCUMENTS. PETITIONER EXPLAINED THE CHARGES WERE NEVER FILED AGAINST HIM. ON MAY 13, 1992 THE UTAH STATE BOARD OF PARDONS ESTABLISHED FOR PETITIONER A SCHEDULED PAROLE DATE OF RELEASE OF, FEB. 8, 1994.

ON OR ABOUT MAY 18, 1992 PETITIONER IN A LETTER TO BOARD OF PARDONS CHAIRMAN, MR. PETE HALL REQUESTING A TIME CUT OR EARLY TERMINATION OF SENTENCE. ON JUNE 9, 1992 PETITIONER WAS GRANTED A SPECIAL ATTENTION HEARING CONCERNING PETITIONERS REQUEST. ON OR ABOUT NOV. 22, 1992, IN A FORM LETTER TO THE UTAH STATE BOARD OF PARDONS REQUESTING AN OPPORTUNITY TO REVIEW AND INSPECT THE INFORMATION AND/OR EVIDENCE THE BOARD OF PARDONS INTENDED TO USE FOR OR AGAINST PETITIONER, SO THAT HE MAY CORRECT ANY INCONSISTANCIES IN THE INFORMATION THAT MAY INFLUENCE THE BOARD'S DECISION. THE BOARD OF PARDONS IGNORED, DENIED AND/OR DID NOT RESPOND TO PETITIONERS REQUEST FOR REVIEW OF THE INFORMATION THEY INTENDED TO USE IN THE SPECIAL ATTENTION HEARING. ON OR ABOUT DEC. 28, 1992 PETITIONER RECEIVED A DOCUMENT FROM THE BOARD OF PARDONS STATING WHAT TIME HE WOULD APPEAR BEFORE THE BOARD, ALSO STATING WHAT INFORMATION WOULD BE CONSIDERED, VIA "EVERYTHING IN BOARD FILE". ON OR ABOUT JAN. 8, 1993 PETITIONER ATTENDED THE SPECIAL ATTENTION HEARING, IN WHICH THE BOARD WAS TO CONSIDER A TIME CUT OR EARLY TERMINATION OF SENTENCE, WHICH WAS INITIATED BY PETITIONER. ON JAN 8, 1993 PETITIONER HAND DELIVERED ANOTHER LETTER DATED JAN. 3, 1993 AND OTHER INFORMATION ~~THAT~~ THAT WAS TO BE CONSIDERED IN THE HEARING REGARDING PETITIONER'S FEELINGS ABOUT PAST, PRESENT AND FUTURE ALSO LETTERS CONFIRMING A RESIDENCE, EMPLOYMENT AND TRAINING. DURING THE HEARING BOARD MEMBER CHERYL HANSEN AGAIN ASKED PETITIONER ABOUT THE FALSE INFORMATION CONTAINED IN BOTH PRE-REDEVENTIONAL AND AMENDED DOCUMENTS, AGAIN PETITIONER EXPLAINED THAT CHARGES WERE NEVER FILED AGAINST HIM. BOARD MEMBER CHERYL HANSEN TOOK THE SPECIAL ATTENTION HEARING "UNDER ADVISEMENT" AND INFORMED PETITIONER THAT HE WOULD HAVE THE BOARD'S DECISION WITHIN (30) THIRTY DAYS.

STATEMENT OF CASE CONT.

APPROXIMATELY 43 DAYS AFTER THE BOARD'S 30 DAY PERIOD TO GIVE PETITIONER A DECISION IN THE SPECIAL ATTENTION HEARING, PETITIONER IN A FORM LETTER TO THE BOARD OF PARDONS DATED MARCH 23, 1993 REQUESTING THE BOARD TO PROVIDE PETITIONER WITH A WRITTEN EXPLANATION AND/OR SUMMARY OF "THEIR" DECISION AS TO THE SPECIAL ATT. HEARING HELD JAN. 8, 1993. THE BOARD IGNORED, DENIED AND/OR DID NOT RESPOND FOR A CONSECUTIVE TIME, ON OR ABOUT APRIL 6, 1993 PETITIONER RECEIVED THE BOARD'S DECISION IN THE SPECIAL ATT HEARING. THEIR DECISION WAS TO RESCIND PETITIONERS SCHEDULED PAROLE DATE OF FEB. 8 1994, AND GIVEN A RE-HEARING DATE OF FEB. 1994. ON OR ABOUT APRIL 8, 1993 PETITIONER RECEIVED "RATIONALE" OF THE SPECIAL ATT. HEARING FROM BOARD MEMBER CHERYL HANSEN, WHICH IS DATED JAN. 20, 1993, THE BOARD'S DECISION TO RESCIND PETITIONERS PAROLE DATE IS DATED MARCH 30, 1993. HOW MANY "UNKNOWN" HEARINGS WERE HELD ON PETITIONER ???

PETITIONER WAS DENIED DUE PROCESS WHEN THE BOARD OF PARDONS RESCINDED PETITIONERS SCHEDULED PAROLE DATE FOR NO APPARENT REASON OR REASONS THAT WERE NEVER EXPLAINED TO PETITIONER. HE WAS DENIED ANY NOTICE AND/OR REASONINGS WHY THE BOARD RESCINDED HIS SCHEDULED PAROLE DATE. HE WAS DENIED THE RIGHT TO KNOW THE INFORMATION AND/OR EVIDENCE THE BOARD OF PARDONS USED AGAINST HIM. HE WAS DENIED THE OPPORTUNITY TO PARTICIPATE IN THE BOARD'S HEARING THAT ULTIMATLY RESULTED IN "THEIR" DECISION TO RESCIND PETITIONERS SCHEDULED PAROLE DATE.

SUMMARY OF ARGUMENT

DID THE ADULT PROBATION & PAROLE AGENTS GERALD WHITE AND ROBERT BULTON ABUSE THEIR DISCRETION IN PUTTING UNSUBSTANTIATED AND/OR FALSE INFORMATION IN THE AMENDED PAROLE VIOLATION DOCUMENTS, IN THAT THE INFORMATION ~~THAT~~ SHOULD NOT HAVE BEEN USED IN THE HEARINGS HELD ON MAY 13, 1992 AND JANUARY 8, 1993.

WAS THE APPELLANT DENIED PROCEDURAL DUE PROCESS BY NOT GIVING HIM ACCESS TO HIS BOARD FILE WHICH IN TURN DENIES HIM THE OPPORTUNITY TO DEFEND HIMSELF AGAINST FALSE INCORRECT INFORMATION. ALSO BY NOT GIVING HIM ANY NOTICE, REASON(S) AND/OR EVIDENCE FOR A RESCISSION HEARING. FURTHERMORE HE SHOULD BE AFFORDED A DETAILED WRITTEN EXPLANATION AND REASON(S) AS TO WHY THE UTAH BOARD OF PARDONS RESCINDED HIS SCHEDULED PAROLE DATE

ARGUMENT

(A). WHETHER THE UTAH STATE BOARD OF PARDONS DECISION TO RESCIND PETITIONERS SCHEDULED PAROLE DATE IS ARBITRARY AND IN AN ABUSE OF DISCRETION.

IN THE PRESENT CASE

APPELLANT/PETITIONER HAS A PROTECTED LIBERTY INTEREST AND CONSTITUTIONAL RIGHT TO HIS SCHEDULED PAROLE DATE, AND ARGUES THAT THE ACTIONS OF THE BOARD OF PARDONS ARE ARBITRARY AND CAPRICIOUS AND IN AN ABUSE OF DISCRETION. SEE UTAH CODE ANNOTATED 77-27-9, AND HOMER V. MORRIS, 684 P.2D 64 (UTAH 1984) ALSO UNDER THE UTAH ADMINISTRATIVE CODE IT IS EXPRESSLY DECLARED TO BE THE POLICY OF THE BOARD OF PARDONS TO ESTABLISH DATES OF RELEASE AND PAROLE FOR PRISONERS SERVING VARIOUS KINDS OF SENTENCES, TO GRANT EXPRESS PROCEDURES FOR HEARINGS (THAT ARE FULL OF DUE PROCESS PROTECTION IF THE BOARD FOLLOWS THE PROCEDURES), AND TO ACT ON A RESCISSION OF PAROLE ONLY ON THE BASES OF CHARGES LEGALLY DETERMINED (SEE R655-201, R655-202, R655-20 AND RELATED RULES IN THE UTAH ADMINISTRATIVE CODE). FURTHERMORE, THE UTAH STATE BOARD OF PARDONS IN ANY PAROLE RESCISSION PROCEEDING MUST MEET THE REQUIREMENTS OF CRIMINAL RESPONSIBILITY AS OUTLINED UNDER U.C.A. SECTION 76-2-101 WHICH SPECIFICALLY ~~STATES~~ DECLARES THAT:

NO PERSON IS GUILTY OF AN OFFENCE UNLESS HIS CONDUCT IS PROHIBITED BY LAW, AND (1) HE ACTS INTENTIONALLY, KNOWINGLY, RECKLESSLY WITH CRIMINAL NEGLIGENCE OR WITH A MENTAL STATE OTHERWISE SPECIFIED IN THE STATUTE DEFINING THE OFFENCE AS THE DEFINITION OF THE OFFENCE REQUIRED; OR (2) HIS ACTS CONSTITUTE AN OFFENCE INVOLVING STRICT LIABILITY.

SIMPLY PUT, THE BOARD OF PARDONS COULD NOT PROPERLY UTILIZE ADMINISTRATIVE PROCEEDINGS AGAINST APPELLANT/PETITIONER TO RESCIND THE SCHEDULED PAROLE DATE WITHOUT EVIDENCE THAT WOULD BE SUFFICIENT TO CONSTITUTE A CRIME.

ARGUMENT CONTINUED

(B). WHETHER APPELLANT/PETITIONER WAS DENIED DUE PROCESS WHEN THE UTAH BOARD OF PARDONS RESCINDED HIS SCHEDULED PAROLE DATE WITHOUT REASON(S) OR NOTICE OF RESCISSION HEARING.

IN THE PRESENT CASE

APPELLANT/PETITIONER CONTENDS THAT NOT ALLOWING HIM ACCESS TO HIS BOARD FILE TO CORRECT ANY AND ALL FALSE/INCORRECT INFORMATION, PURSUANT TO UTAH ADMINISTRATIVE RULES R 671-303-1. OFF. ACCESS TO INFORMATION DENIES HIM FULL AND FAIR REVIEW OF HIS CASE. SEE PATNE V. BAKER, 595 F.2d 197 (4th Cir. 1979) AND JANCSEK V. OREGON Bd. OF PAROLE, 833 F.2d 1389, 1390 (7th Cir. 1987) ALSO MOURDE V. THIGPEN, 932 F.2d 1437, 1442 (11th Cir. 1991). HE ALSO CONTENDS THAT NOT GIVING HIM NOTICE OR REASON(S) OF A RESCISSION HEARING VIOLATE HIS DUE PROCESS. SEE UTAH ADMINISTRATIVE CODE (R 671-202-1 NOTIFICATION), (R 671-310 RESCISSION HEARING), (R 671-305-1 NOTIFICATION OF BOARDS DECISION). ALSO CITING UTAH CONSTITUTION ARTICLE 1, SECTIONS 5, 7 AND 11.

THE SIGNIFICANCE OF THE UTAH SENTENCE AND RELEASE GUIDELINES, ADOPTED IN 1984 CANNOT BE OVEREMPHASIZED. CONSISTANT WITH THE REQUIREMENTS OF U.C.A. SEC. 77-27-7 STATING THAT THE BOARD SHALL DETERMINE A RELEASE AND PAROLE DATE, THESE GUIDELINES ARE USED FOR BOTH THE ORIGINAL SENTENCING AND FOR THE PAROLE ISSUES. THESE GUIDELINES ARE ESSENTIALLY THE HEART OF THE CRIMINAL JUSTICE SYSTEM IN THAT THEY CONVERT THE PRESENT AND INDETERMINATE SENTENCING SYSTEM INTO A USABLE SYSTEM OF RELIABILITY, FORM AND SUBSTANCE. NOTE THE FOLLOWING BRIEF EXERPTS FROM THE GUIDELINES:

UTAH'S GUIDELINES ARE INTENDED TO MAINTAIN THE DESIRABLE FUNCTIONS OF A PAROLE AND JUDICIAL DISCRETION, AND AT THE SAME TIME OPERATIONALIZE A RATIONAL CRIMINAL JUSTICE PHILOSOPHY, ELIMINATE UNWARRENTED DESPARATY AND PROVIDE A TOOL TO MATCH RESOURCES WITH NEEDS. THE BOARD OF PARDONS SHOULD UTILIZE THE GUIDELINES IN ALL OF ITS HEARINGS. IT SHOULD CONSIDER THE SENTENCE IMPOSED BY THE JUDGE AS THE MINIMUM TERM IF THE SENTENCE IS CONSISTENT WITH THE GUIDELINES. IF THE SENTENCE DIFFERS FROM THE GUIDELINES, THE BOARD SHOULD EVALUATE THE AGGRAVATING AND MITIGATING CIRCUMSTANCES NOTED BY THE JUDGE.

ARGUMENT CONTINUED

THE GUIDELINES REQUIRE OF THE BOARD THE FULL CONSIDERATIONS OF LAW, RULES AND FAIRNESS, INCLUDING DUE PROCESS, THAT ARE INHERENT RIGHT IN ALL LEGAL PROCEEDINGS IN THE CRIMINAL JUSTICE SYSTEM, IN ACCORDANCE WITH U.C.A. SEC. 77-27-7. APPELLANT/PETITIONER AS WELL AS ALL INMATES HAVE A RECOGNIZABLE AND PROTECTED LIBERTY INTEREST IN AND UNDER THE GUIDELINES. THE LIBERTY INTEREST IN WHICH MEETS THE MANDATORY LANGUAGE REQUIREMENT AS OUTLINED IN GREENHOLTZ V. INMATES OF NEBRASKA PENAL & CORRECTIONAL INMATES, 442 U.S. 1 (1979), AND BOARD OF PARDONS V. ALLEN, 482 U.S. 369 (1987), MORRISSEY V. BREWER, 408 U.S. AT 482. AS NOTED ABOVE, THE COMBINATION OF THE STATUTES, ADMINISTRATIVE RULES AND THE GUIDELINE RENDER THE GUIDELINES MORE THAN JUST GUIDEPPOSTS, BUT CARRY THE FORCE OF LAW.

IN ADDITION TO THE UTAH SUPREME COURTS RULING "THAT INMATES ARE ENTITLED TO DUE PROCESS BY THE UTAH BOARD OF PARDONS," HOMER, SUPRA, APPELLANT PETITIONER SUBMITS THAT MOST FEDERAL COURTS HAVE HELD A STATE REGULATION OR DIRECTIVE SUFFICIENT TO CREATE A LIBERTY INTEREST. PARKER V. COOKE, 642 F.2d 865, 868-76 (5th Cir. 1981) BILLS V. HENDERSON, 631 F.2d 1287 (6th Cir. 1980) STRICKNE ROWE, 616 F.2d 993 (7th Cir. 1980) FINNEY V. MARBY, 528 F. SUPP. 567, 570 (E. DIST. ARK 1981) AND CONNECTICUT BOARD OF PARDONS V. STUMSHAT, 452 U.S. 458, 465, 101 SUP. CT. 2416 (1981) IN WHICH THE UNITED STATES SUPREME COURT HELD THAT "STATE CREATED LIBERTY OR PROPERTY INTEREST MAY BE FOUND IN STATUTES OR OTHER RULES"

(C). WHETHER THE DISTRICT COURT SHOULD HAVE REMANDED THE CASE BACK TO THE BOARD OF PARDONS TO CORRECT ANY ERRORS THAT MAY HAVE OCCURED IN ACCORDANCE WITH UTAH RULES OF CIVIL PROCEDURE, 65 B (e).

CHIEF CASE

APPELLANT/PETITIONER CONTENTS THAT THE MANNER IN WHICH HIS PAROLE HEARINGS HAVE BEEN CONDUCTED HAS DEPRIVED HIM OF

ARGUMENT CONT.

PROCEDURAL DUE PROCESS, HE HAS PETITIONED THE COURT FOR EXTRA-ORDINARY RELIEF UNDER RULE 65 B(2). THE DISTRICT COURT DISMISSED HIS COMPLAINT UNDER RULE 65 B(2)(4), BY DOING SO, THE DISTRICT COURT HAS DENIED THE APPELLANT/PETITIONER HIS DAY IN COURT, UTAH CONSTITUTION ARTICLE 1, SECTION 11 (RIGHT TO REDRESS INJURIES) IN A FULL AND FAIR HEARING TO SHOW AND PROVE PROCEDURAL VIOLATIONS BY RESPONDENTS AS DEMONSTRATED IN HIS PETITION OF HABEAS CORPUS. FURTHERMORE, THE UTAH SUPREME COURT DETERMINED IN FOOTE V. BOARD OF PARDONS, 56 UTAH ADV. REP. 3:

... THE MANDATE OF THE DUE PROCESS CLAUSE OF ARTICLE 1, SECTION 7 OF THE DECLARATION OF RIGHTS IN THE UTAH CONSTITUTION IS COMPREHENSIVE IN ITS APPLICATION TO ALL ACTIVITIES OF STATE GOVERNMENT. IT IS THE PROVINCE OF THE JUDICIARY TO ASSURE THAT A CLAIM OF THE DENIAL OF DUE PROCESS BY AN ARM OF GOVERNMENT BE HEARD AND, IF JUSTIFIED, THAT IT BE VINDICATED. WHAT MAY CONSTITUTE DUE PROCESS IN ANY GIVEN CIRCUMSTANCE MAY VARY, BUT ASSUREDLY, THE PAROLE BOARD IS NOT OUTSIDE THE CONSTITUTIONAL MANDATE THAT THE ACTIONS OF GOVERNMENT MUST AFFORD DUE PROCESS OF LAW. THUS THERE IS NO QUESTION THAT HABEAS CORPUS REVIEW OF THE BOARD OF PARDONS ACTIONS IS AVAILABLE. PRECISELY WHAT DUE PROCESS REQUIRES OF THE BOARD OF PARDONS CANNOT BE DETERMINED IN THE ABSTRACT BUT ONLY AFTER THE FACTS CONCERNING THE PROCEDURES ARE FLUSHED OUT.

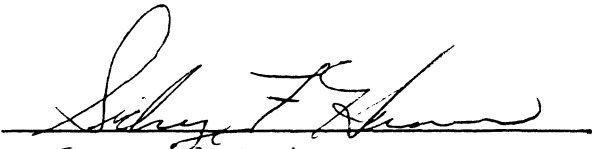
THE APPLICABLE STANDARD FOR REVIEWING THE DISTRICTS COURTS CONCLUSION OF LAW IN HABEAS CORPUS PETITIONS IS THAT OF NO DIFFERENCE ON APPEAL. THE LOWER COURTS CONCLUSION OF LAW ARE REVIEWED FOR CORRECTNESS. TERMONDE V. COOKE, 786 P.2d 1341 (UTAH 1990). QUESTIONS OF FACT ARE REVIEWED ON A "CLEARLY ERRONEOUS" STANDARD. STATE V. GOODMAN, 736 P.2d 786 (UTAH 1988) SEE ALSO STEWART V. STATE, 184 ADV. REP. 77 (UTAH APP. 1992) TOWNSEND V. SAINI, 372 U.S. 293 (1963) HAINES V. KERNER, 404 U.S. 519, 520 (1972) HUDSON V. PALMER, 486 U.S. 517, 525 N. 7 (1981) MARBURY V. MADISON 5 U.S. 137 (1803).

CONCLUSION

WHEREFORE, APPELLANT/PETITIONER PRAYS THIS COURT;

- (1). REMAND THIS CASE BACK TO THE DISTRICT COURT FOR AN EVIDENTIARY HEARING AND SAID RELIEF SET THIS CASE FOR FULL AND FAIR JURY TRIAL, OR IN THE ALTERNATE, GRANT APPELLANT/PETITIONER'S RELEASE OF FEBRUARY 8, 1994 OR SOONER.
- (2). ISSUE AN ORDER TO THE RESPONDENTS FOR A "SPECIAL ATTENTION HEARING UNDER THE UTAH BOARD OF PARDONS "POLICY AND PROCEDURES" (R671-311-2)
- (3). APPOINT APPELLANT/PETITIONER COUNSEL TO REPRESENT HIM IN HIS ABOVE SAID CAUSE OF ACTION. (SEE AFFIDAVIT IN SUPPORT AND IMPELLENCY)
- (4). GRANT APPELLANT/PETITIONER THE AUTHORITY TO OBTAIN SUBPOENAS IN FORMA PAUPERIS, FOR WITNESS, DOCUMENTS AND ANY OTHER RECORD NECESSARY TO EXPAND AND ASSIST IN THE PROOF OF FACTS AND ACTIVITIES ALLEGED IN THE FOREGOING PETITION.
- (5). THAT ALL MOTIONS AND PLEADINGS FOR OR AGAINST APPELLANT/PETITIONER TO BE SENT TO HIM, SO THAT HE MAY RESPOND TO SAID PLEADINGS OR MOTIONS;
- (6) APPELLANT/PETITIONER INVITES THIS COURT TO GRANT SUCH OTHER RELIEF AS MAY BE APPROPRIATE AND TO DISPOSE OF THE MATTER AS LAW AND JUSTICE REQUIRE.

DATED THIS 10th DAY OF AUGUST, 1993.


SIDNEY F. HANSEN
APPELLANT/PETITIONER PRO SE

CERTIFICATE OF MAILING

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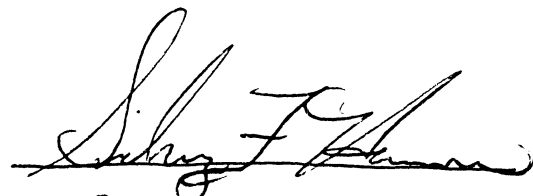
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DATED THIS 10th DAY OF AUGUST, 1993

A handwritten signature in black ink, appearing to read "Sidney F. Hansen". The signature is written in a cursive, flowing style with a horizontal line underneath.

SIDNEY F. HANSEN
PETITIONER/APPELLANT PRO SE

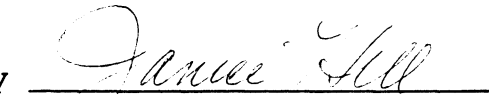
CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1993, a true and correct copy of the foregoing appellant's brief was deposited in the United States mail to the parties listed below:

Jan Graham
State Attorney General
236 State Capitol Building
Salt Lake City, UT 84114

Dated this 13th day of August, 1993.

By


Deputy Clerk